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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.

Debtor.

Chapter 11

Case No. 19-34054 (SGJ)

**DECLARATION OF MICHAEL P. AIGEN IN SUPPORT OF THE DUGABOY
INVESTMENT TRUST'S MOTION TO PRESERVE EVIDENCE AND
COMPEL FORENSIC IMAGING OF JAMES P. SEERY, JR.'S IPHONE**

Michael P. Aigen, pursuant to 28 U.S.C. § 1746(a), under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stinson LLP, counsel to Defendant The Dugaboy Investment Trust, and I submit this Declaration in support of *The Dugaboy Investment Trust's Motion to Preserve Evidence and Compel Forensic Imaging of James P. Seery, Jr.'s iPhone*

(“Appendix”), which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and the documents listed below.

2. Attached as **Exhibit 1** to the Appendix is a true and correct copy of the text message between James Seery and HCMLP’s Former CEO Jim Dondero regarding HCMLP business and litigation attached to sworn declaration in adversary proceeding, dated December 7, 2020, Dkt. 4-28 in Cause No. 20-03190-sgj.

3. Attached as **Exhibit 2** to the Appendix is a true and correct copy of the text messages between James Seery and HCMLP’s former employee Patrick Daugherty regarding HCMLP business and litigation.

4. Attached as **Exhibit 3** to the Appendix is a true and correct copy of the Motion of the Debtor for Approval of Settlement with the Official Committee of Unsecured Creditors Regarding Governance of the Debtor and Procedures for Operations in the Ordinary Course, dated December 27, 2019, Dkt. 281-2 in Cause No. 19-34054-sgj-11, *In re: Highland Capital Management, L.P.*

5. Attached as **Exhibit 4** to the Appendix is a true and correct copy of the Order Approving Debtor’s Motion Under Bankruptcy Code Section 105(a) and 363(b) Authorizing Retention of James P. Seery, Jr., as Chief Executive Officer, Chief Restructuring Officer, and Foreign Representative *Nunc Pro Tunc* to March 15, 2020, dated July 16, 2020, Dkt. 854 in Cause No. 19-34054-sgj-11, *In re: Highland Capital Management, L.P.*

6. Attached as **Exhibit 5** to the Appendix is a true and correct copy of the Settlement Term Sheet Ex. C, Document Production Protocol, dated December 27, 2019, Dkt. 281-1 in Cause No. 19-34054-sgj-11, *In re: Highland Capital Management, L.P.*

7. Attached as **Exhibit 6** to the Appendix is a true and correct copy of the Certification of No Objection Regarding Debtor's Application for Authorization to Employ and Retain Kurtzman Carson Consultants LLC as Administrative Advisor Effective *Nunc Pro Tunc* to the Petition Date, dated December 4, 2019, Dkt. 138 in Cause No. 19-34054-sgj-11, *In re: Highland Capital Management, L.P.*

8. Attached as **Exhibit 7** to the Appendix is a true and correct copy of the 3/22/2021 Hearing Transcript in Adversary Proceeding No. 20-3190-sgj, *In re: Highland Capital Management, L.P.*

9. Attached as **Exhibit 8** to the Appendix is a true and correct copy of the 3/4/2020 Hearing in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

10. Attached as **Exhibit 9** to the Appendix is a true and correct copy of the 7/14/2020 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

11. Attached as **Exhibit 10** to the Appendix is a true and correct copy of the 9/10/2020 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

12. Attached as **Exhibit 11** to the Appendix is a true and correct copy of the 10/17/2020 Deposition Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

13. Attached as **Exhibit 12** to the Appendix is a true and correct copy of the 10/20/2020 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

14. Attached as **Exhibit 13** to the Appendix is a true and correct copy of the 12/14/2020 Deposition Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

15. Attached as **Exhibit 14** to the Appendix is a true and correct copy of the 1/14/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

16. Attached as **Exhibit 15** to the Appendix is a true and correct copy of the 1/20/2021 Deposition Transcript in Adversary Proceeding No. 21-03000-sgj, *In re: Highland Capital Management, L.P.*

17. Attached as **Exhibit 16** to the Appendix is a true and correct copy of the 1/26/2021 Hearing Transcript in Cause No. 19-34054 and Adversary Proceeding No. 21-03000-sgj, *In re: Highland Capital Management, L.P.*

18. Attached as **Exhibit 17** to the Appendix is a true and correct copy of the 1/29/2021 Deposition Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

19. Attached as **Exhibit 18** to the Appendix is a true and correct copy of the 2/2/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

20. Attached as **Exhibit 19** to the Appendix is a true and correct copy of the 2/3/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

21. Attached as **Exhibit 20** to the Appendix is a true and correct copy of the 2/23/2021 Hearing Transcript in Adversary Proceeding Nos. 20-03190-sgj and 21-03010-sgj, *In re: Highland Capital Management, L.P.*

22. Attached as **Exhibit 21** to the Appendix is a true and correct copy of the 5/14/2021 Deposition Transcript in Adversary Proceeding No. 21-03000-sgj, *In re: Highland Capital Management, L.P.*

23. Attached as **Exhibit 22** to the Appendix is a true and correct copy of the 5/21/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

24. Attached as **Exhibit 23** to the Appendix is a true and correct copy of the 5/24/2021 30(b)6 Deposition Transcript in Adversary Proceeding No. 21-03003-sgj, *In re: Highland Capital Management, L.P.*

25. Attached as **Exhibit 24** to the Appendix is a true and correct copy of the 6/25/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

26. Attached as **Exhibit 25** to the Appendix is a true and correct copy of the 7/19/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

27. Attached as **Exhibit 26** to the Appendix is a true and correct copy of the 8/4/2021 Hearing Transcript in Cause No. 19-34054, *In re: Highland Capital Management, L.P.*

28. Attached as **Exhibit 27** to the Appendix is a true and correct copy of the 10/21/2021 Deposition Transcript in Adversary Proceeding No. 21-03005-sgj, *In re: Highland Capital Management, L.P.*

29. Attached as **Exhibit 28** to the Appendix is a true and correct copy of the 3/1/2022 Hearing Transcript in Cause No. 19-34054 and Adversary Proceeding No. 22-03003-sgj, *In re: Highland Capital Management, L.P.*

30. Attached as **Exhibit 29** to the Appendix is a true and correct copy of the 3/11/2022 30(b)6 Deposition Transcript in Adversary Proceeding No. 21-03010-sgj, *In re: Highland Capital Management, L.P.*

31. Attached as **Exhibit 30** to the Appendix is a true and correct copy of the 5/3/2022 30(b)6 Deposition Transcript in Adversary Proceeding No. 21-03082-sgj, *In re: Highland Capital Management, L.P.*

32. Attached as **Exhibit 31** to the Appendix is a true and correct copy of the 8/8/2022 Hearing Transcript in Adversary Proceeding No. 21-03020-sgj, *In re: Highland Capital Management, L.P.*

33. Attached as **Exhibit 32** to the Appendix is a true and correct copy of the Dustin Jones, *When it comes to data on your phone, deleting a text isn't the end of the story*, NPR, July 15, 2022

34. Attached as **Exhibit 33** to the Appendix is a true and correct copy of the Order Requiring James D. Dondero to Preserve Documents and to Identify Measures Taken to Ensure Document Preservation, dated April 8, 2021, Dkt. 2177 in Cause No. 19-34054-sgj-11, *In re: Highland Capital Management, L.P.*

Dated: May 31, 2023.



Michael P. Aigen